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Chairman: Mr. Al Bayati ..... (Iraq)

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The meeting was called to order at 10.15 a.m.

Agenda item 67: Promotion and protection of human rights (*continued*) (A/61/36, 97, 220 and 280)

(a) Implementation of human rights instruments (*continued*) (A/61/40, vols. I and II, 44, 48, 226, 259, 279, 351, 354 and 385)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

1. **Mr. Amoros Nuñez** (Cuba) said that the universality, indivisibility and interdependence of all human rights was more relevant than ever. The activities of the Office of the High Commissioner for Human Rights should be based on those principles, and it should work towards the elimination of obstacles to the full enjoyment of all human rights. Yet civil and political rights continued to receive preference over economic, social and cultural rights, which ran counter to the Vienna Declaration and to the Charter of the United Nations.

2. United Nations reform, including of its human rights machinery, had gained momentum in recent years, and had led to the establishment of the new Human Rights Council. That reform must extend to the Office of the High Commissioner as well. In many resolutions put before the former Commission on Human Rights, his delegation had advocated for equitable geographical distribution of posts in that Office, yet, rather than improving, the imbalance had continued to worsen. It was paradoxical to implement a strict geographical distribution of seats on the Human Rights Council while allowing the Office of the High Commissioner to remain the almost exclusive domain of the developed West. His delegation therefore attached great importance to the report of the Joint Inspection Unit on a management review of that Office (JIU/REP/2006/3), which contained recommendations to redress the situation.

3. The system of special procedures established by the Human Rights Council was not immune to the political manipulation that had led to the demise of the Commission on Human Rights. The lack of objectivity and the selectivity and bias shown in many cases undermined its work. His delegation was also concerned at the attempts to mingle the work of the Council with that of the treaty bodies and other special procedures. Those mechanisms had different mandates and features which should be kept separate.

4. With regard to requests for increased resources for the Office of the High Commissioner, giving preference to activities concerned with civil and political rights to the detriment of economic, social and cultural rights was unacceptable. True reform of the United Nations human rights machinery would require genuine cooperation, in order to guarantee the full realization of all human rights.

5. **Mr. Abdalhaleem** (Sudan) said that economic, social and cultural rights deserved the same amount of attention as political and civil rights. Cultural rights should be strengthened through the dissemination of the values of tolerance and dialogue. Respect for cultural diversity was the only way out of the crisis created by the culture of superiority.

6. The establishment of the Human Rights Council was a promising development. Its predecessor had stagnated for over half a century and had been transformed into a political instrument that operated selectively and on the basis of double standards. There were high hopes that the new body would restore credibility and neutrality and remain above political pressures, returning to the principles of dialogue and mutual understanding on which the United Nations had been founded. The Office of the High Commissioner for Human Rights also needed to accelerate its reform measures with a view to correcting the imbalance in its composition that allowed it to be controlled by certain geographical groupings to the exclusion of others. As a universal forum for discussion of human rights issues, the Third Committee should work with the Human Rights Council to lay the foundations for a new modus operandi based on dialogue, cooperation and objectivity. He called for a universal periodic review mechanism for both large and small countries in order to avoid a process which selectively targeted some States while granting clean bills of health to others that were major violators.

7. **Ms. Enkhsetseg** (Mongolia) said that a number of important developments aimed at strengthening the United Nations human rights machinery had recently occurred. The creation of the Human Rights Council had given practical expression to the recognition of human rights as a pillar of the work of the Organization, along with security and development.

Her delegation hoped that the strengths of the previous mechanism would be retained and its weaknesses avoided.

8. The Office of the High Commissioner for Human Rights had been strengthened, and her delegation especially welcomed the new emphasis on poverty reduction as a tool for translating human rights norms and standards into policies in favour of the poor. It also supported efforts to strengthen protection for economic, social and cultural rights.

9. A coordinated approach to the human rights treaty body system had been developed. The finalization of harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and targeted treaty-specific reports, should ease the reporting burden for States parties. She expressed interest in the technical assistance offered by the Office of the High Commissioner in following those guidelines. A number of treaty bodies had taken innovative approaches to their work, but more progress was needed to improve their effectiveness. The overlap in their work and the backlog of reports must be addressed.

10. In the new era of implementation of human rights, the role of States could not be overemphasized. Member States needed more support through technical assistance and advisory services aimed at capacity-building and human rights education. Since the adoption of its Constitution in 1992, Mongolia had been actively engaged in legal reform to bring its domestic laws in line with international standards. It took its reporting obligations under international human rights treaties seriously, and concluding observations and recommendations resulting from its reports had been discussed at the national level by all stakeholders, which facilitated efforts to ensure their effective implementation.

11. **Mr. Sharafutdinov** (Uzbekistan) called attention to three ways in which Uzbekistan was implementing the provisions of the Vienna Declaration and Programme of Action. A parliamentary ombudsman had been in place since 1995 and a law of 1997 set out his functions, laid down the basis for his dealings with State bodies, especially the judiciary and the law enforcement agencies, and established a system of regional representation which might shortly also be extended to penal colonies. Practical measures to restore civil rights, to improve human rights legislation, to raise public awareness of such legislation and to develop international cooperation had been introduced. The Ombudsman submitted an annual report to Parliament on his activities, which was widely disseminated.

12. Uzbekistan had also established the National Human Rights Centre, whose activities were fully in line with the Principles relating to the Status of National Institutions (the Paris Principles). The Centre coordinated the work of preparing and submitting Uzbekistan's periodic reports on the six main United Nations human rights instruments. Over the 10 years of its existence, the Centre had prepared 18 periodic reports for submission to the United Nations treaty bodies. A major aspect of its work was the dissemination of human rights information and awareness-raising.

13. The Monitoring Institute had been established in 1996, with the mandate of monitoring legislation and ensuring that it conformed with international standards. The Institute's work was useful in evaluating the Government's policy on human rights legislation, giving an overall picture of the activities of State bodies and ascertaining any violations. A special role was played by NGOs established and functioning in Uzbekistan, whose activities contributed to the support and protection of human rights.

14. Cooperation between the State and judicial bodies and national human rights institutions had proved fruitful. In 2004, agreements had been reached between the Ombudsman and the Office of the Procurator-General and the Ministry of the Interior on cooperation in resolving human rights issues. The Ombudsman had been authorized to investigate the worst human rights violations in both those bodies, including torture. Experience had shown that the mere holding of an independent investigation tended to prevent the use of torture.

15. In 2003, the Ministry of the Interior and the Uzbekistan Lawyers' Association had signed an agreement on the procedure for the participation of lawyers in preliminary investigations in criminal law cases. The agreement provided that members of the Association should be attached to each law enforcement agency to ensure that a detained person would be provided with protection within an hour or two at any time of day or night. It also gave a lawyer engaged in the investigation of a criminal law case

additional powers to bring human rights violations to the attention of the head of the investigative unit concerned. Similar agreements had been reached with other NGOs.

16. In line with the obligation under the Vienna Programme of Action to provide systematic human rights training, the Ministry of the Interior Police Academy had established a human rights faculty and every student underwent a course on human rights. Refresher courses and higher education courses for non-commissioned officers contained training on international law and human rights. Similar training was provided for the staff of the Procurator-General of the Republic and the Ministry of Justice. All such courses were conducted in close cooperation with the National Human Rights Centre. Over 100 international and regional human rights instruments had been translated into Uzbek.

17. **Mr. Gandhi** (India) said that development without democracy, social justice and respect for human rights was not sustainable, and the 2005 World Summit had acknowledged that peace and security, development and human rights were the pillars of the United Nations system. The Millennium Development Goals were, in a sense, rooted in the Vienna Declaration, which had reaffirmed that the right to development was a universal and inalienable right. His delegation hoped that the new Human Rights Council would play a decisive role in fulfilling the promise of the Millennium Declaration to make the right to development a reality for all, by working towards a legally binding instrument on the right to development.

18. The major challenge was moving away from selectivity, double standards and partial approaches in dealing with promotion and protection of human rights. An honest, self-critical appraisal was needed to determine whether a genuine improvement in human rights had been achieved through issuing "report cards" or intrusive monitoring. Rather than adopting resolutions critical of particular countries year after year, his delegation favoured an approach based on dialogue, consultation and cooperation.

19. The initiatives of the Office of the High Commissioner for Human Rights in the area of economic, social and cultural rights and a rights-based approach to development were welcome. His Government stressed the importance of national capacity-building in human rights and would continue to support technical cooperation programmes providing assistance to countries on request. It was also important to underscore the role played by civil society.

20. The Vienna Declaration called on the international community to cooperate to prevent and combat terrorism. As a violent expression of extremism, terrorism represented a negation of every liberal value that sustained the concept of human rights. He trusted that the Global Counter-Terrorism Strategy would be an impetus for the international community to unite in its fight against terrorism. Broad-based international cooperation in that area would reduce the space available to terrorists and increase the capability of States to address such threats. His delegation hoped for an early conclusion of the negotiations on a comprehensive convention on international terrorism.

21. As a large, democratic, multi-ethnic, multireligious, multilingual and multicultural society, India straddled all divides through its pluralism, moderation and balance. The political community did not fragment and constitutionally guaranteed freedom of religious belief was sustained by the deeply ingrained value of secularism in civil society.

22. **Ms. Angote** (Kenya) said that even though human rights were universal, indivisible, interdependent and interrelated, States tended to overemphasize the importance of civil and political rights over economic, social and cultural rights. To achieve a balanced implementation of all human rights, the two categories must be addressed. To that end, her Government had put in place a national development strategy aimed at securing the socio-economic rights of the poor and marginalized by focusing national development efforts on the elimination of poverty.

23. Her Government had made tremendous efforts to honour its reporting obligations to human rights treaty bodies. In 2005, it had submitted its second periodic report to the Human Rights Committee and, in 2006, it had submitted comprehensive responses to the concluding remarks of that Committee in addition to the fifth and sixth combined reports to the Committee on the Elimination of Discrimination against Women and the initial report to the Committee on Economic, Social and Cultural Rights. But keeping up with reporting requirements was onerous. Her Government therefore welcomed the current initiatives to reform the

treaty body system and urged the Office of the High Commissioner for Human Rights to strengthen its technical assistance and capacity-building activities to assist States in shouldering the heavy reporting burden.

24. The Government was in the process of developing a national human rights policy and plan of action for the promotion and protection of human rights, in an effort to incorporate into domestic law the provisions of the various human rights instruments to which it was a party. It had taken other measures to promote and protect human rights: establishment of a national commission on human rights and of an inter-ministerial committee to advise the Government; appointment of a multisectoral steering committee to coordinate the development of national policy; ratification and implementation of the relevant international and regional human rights instruments. Nevertheless, it still faced some key challenges: weak institutions, lack of awareness, poverty and constitutional and legal reforms.

25. **Ms. Seanedzu** (Ghana), while expressing satisfaction with the successful conclusion of various human rights instruments, said that many countries and regions of the world were still confronted with terrible human rights challenges. It was therefore important for individuals, Governments, the United Nations and civil society to ensure that human rights declarations were translated into reality. In the case of Ghana, successive Governments had undertaken to build democracy, good governance, the rule of law and respect for human rights. The country had moved steadily to action by concretizing the standards set forth in the core international human rights instruments to which it was a party. Its Constitution had also reaffirmed the importance of respecting all human rights and fundamental freedoms of all its citizens, consistent with international law. Under the same Constitution, a commission on human rights and administration of justice had been established to educate the public on human rights and fundamental freedoms. Further, the Government had strengthened its legal framework for persons with disabilities, passed the Human Trafficking Act and intensified its efforts to eliminate gender-based violence and discrimination. Ghana still believed that States bore the primary responsibility for translating into reality the promises they had made but that it was also a collective responsibility of the international community to assist in the performance of that task.

26. **Mr. Talbot** (Guyana), speaking on behalf of the Rio Group, said that the Rio Group was committed to strengthening the international human rights system and was willing to continue working closely with all delegations to build a strong and efficient Human Rights Council. The Group was of the view that capacity-building at the national level was critical for the protection of human rights and that the Office of the High Commissioner for Human Rights was well placed to play an instrumental role in that regard. It felt that human beings were central to the development process and therefore regarded hunger as an outrage and a violation of human dignity. The right to food must be ensured through effective public policies and the root causes of hunger must be addressed. States had an obligation to strive for the elimination of the conditions that gave rise to poverty and needed to cooperate to overcome those obstacles.

27. The Rio Group attached high priority to ensuring the right of everyone to the highest attainable standard of physical and mental health. It was particularly important to ensure access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria. The progress achieved in the Declaration on HIV/AIDS was welcome, as was the commitment to assist developing countries so that they could use the flexibilities inherent in the World Trade Organization in that regard. The Group remained convinced that the draft International Convention on the Rights of Persons with Disabilities, after its adoption by the General Assembly, would be an indispensable instrument in the promotion of the rights of persons with disabilities around the world.

28. The Group welcomed the growing consensus on the positive contributions of migrants to development but felt that consensus must also be reached on the need to ensure the human rights of migrants. It also welcomed the adoption by the General Assembly of a Global Counter-Terrorism Strategy in which Member States resolved to condemn terrorism in all its forms and manifestations. The Group acknowledged the important role played by human rights defenders in combating poverty, inequalities and discrimination and, recognizing that they were often victims of threats, intimidation, kidnapping and even assassination, was committed to providing conditions that would enable them to carry out their work in safety.

29. **Mr. Shobokshi** (Saudi Arabia) said that, although the term "human rights" was modern, the idea of

respecting all people without regard to gender, colour or any other characteristic was present in the Qur'an and had been developed and expanded by the Islamic Shari'a. As a consequence, human rights were comprehensively and firmly rooted in all walks of Saudi society. Saudi Arabia was a party to numerous international human rights agreements, and its Government was studying the possibility of accession to others it had not yet signed.

30. Human rights should not be used as an instrument of political pressure or economic interest. They were a blessing from the Creator, not a gift granted by one person to another. They were not the monopoly of any particular civilization and should not be used as a pretext for the imposition of alien values by one culture on another or interference in another country's affairs. Concern for human rights was a collective responsibility. He called on the international community to put a stop to human rights violations in occupied Palestinian territory and to campaigns of defamation against religions and religious symbols. Only then could the universality of human rights be established.

31. **Mr. Limon** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM welcomed the recent adoption by the Ad Hoc Committee of the draft International Convention on the Rights of Persons with Disabilities and looked forward to its early adoption by the General Assembly, so that the millions living with a disability could enjoy the full protection of their rights.

32. The world was still plagued by ethnic hatred, discrimination on the grounds of religion or sex and deprivation of food, shelter, access to health care, education or work. CARICOM therefore welcomed the efforts of the human rights bodies to consider obstacles to the implementation of such internationally agreed goals as the Millennium Development Goals.

33. Measures in the fight against terrorism should at all times conform with international human rights and humanitarian law. CARICOM wished to reiterate its strong objection to the use of torture and other inhumane or degrading treatment or punishment as a tool in the fight against terrorism. In that connection, CARICOM hoped that the Special Rapporteur on the promotion and protection of human rights while countering terrorism would engage in discussions with the regional mechanisms of the Caribbean region concerning regional efforts in the fight against terrorism from a human rights perspective.

34. CARICOM States had actively participated in the debate on the reform of the human rights machinery and the establishment of the Human Rights Council. The core function of the Council should be to encourage unilateral respect for all human rights and fundamental freedoms. As for the proposal by the United Nations High Commissioner for Human Rights for a unified standing treaty body, it was of critical importance to make a clear assessment of the legal implications of such a body and its future membership. The specificities of each treaty should be preserved and the rights of particular rights-holders should be taken into account. Consultations on the proposal should be broad-based, inclusive and transparent. The treaty bodies themselves should contribute to the discussion.

35. Reporting requirements under treaty provisions were sometimes very challenging to States with limited human and financial resources. Increased international cooperation would significantly contribute to supplementing national efforts in the implementation of international obligations. CARICOM noted the recent adoption by the treaty bodies of draft harmonized guidelines of reporting under the international legal framework. It was encouraging that some member States had already started applying the guidelines. States should, however, remain vigilant lest the streamlining should result in an additional reporting burden on States.

36. Slavery and the slave trade were among the most serious violations of human rights in the history of humanity, and it was regrettable that it had taken the international community almost 200 years to acknowledge the fact. The issue of reparation and compensation for slavery remained outstanding. In view of the bicentenary in 2007 of the abolition of the transatlantic slave trade, CARICOM had submitted a draft resolution honouring the memory of those who had died as a result of slavery and highlighting the consequences for the peoples of Europe, Africa, the Americas and the Caribbean. It trusted that the draft resolution would be widely supported and would be sponsored by as many delegations as possible.

37. **Mr. Salgueiro** (Portugal) said that, although the two International Human Rights Covenants were currently celebrating their fortieth anniversary, the fact remained that economic, social and cultural rights still

enjoyed less protection at the international level than civil and political rights. There were remedies for the victims of torture, arbitrary detention or the violation of the freedom of speech, religion or association, but the right of petition at the international level was still not available to those affected by, for example, severe malnutrition, inadequate health care or a lack of educational opportunities. The increasing attention paid to economic, social and cultural rights by national courts was no substitute.

38. His delegation therefore welcomed the progress made by the Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights, which would, as the United Nations High Commissioner for Human Rights had said, complement remedial avenues under the European, inter-American and African regional human rights systems. At its first session, the Human Rights Council had decided by consensus to renew the Working Group's mandate for two years. The Chairperson-Rapporteur of the Working Group had been requested to prepare a draft text. He hoped that negotiations would proceed swiftly and that consensus could soon be reached on the provisions of an optional protocol. His delegation welcomed the recent conclusion of negotiations on the draft International Convention on the Rights of Persons with Disabilities and its draft optional protocol providing for a communications procedure. That boded well for the adoption of the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. The establishment of a communications procedure similar to those existing under the vast majority of the core human rights treaties would significantly improve the plight of victims of violations of economic, social and cultural rights.

The meeting rose at 11.55 a.m.